

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on March 27, 2007

PATENT
Attorney Docket No.: 082368-000510US
Client Reference No.: ONC-A0401P-US

TOWNSEND and TOWNSEND and CREW LLP

By: /Brien M. Bergner/
Brien M. Bergner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yusuke NAKAMURA, et al.

Application No.: 10/593,842

Int'l. Filing Date: March 18, 2005

For: METHOD FOR DIAGNOSING
NON-SMALL CELL LUNG CANCER

Confirmation No.: 3233

Examiner: Not Yet Assigned

Art Unit: 1645

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In compliance with the requirements of 37 CFR §1.98(a)(2), copies of U.S. references 0001-0004 are not enclosed; copies of references 0005-0017 are enclosed. References 0001-0017 were cited on the Search Report for the corresponding International application; a copy of the Report is enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BW/

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

/Kevin Bastian/

Kevin Bastian
Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
KLB:bmb
61014682 v1

Substitute for form 1449A&B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet **1** of **2****Complete if Known**

Application Number 10/593,842
 Filing Date March 18, 2005
 First Named Inventor Nakamura, Yusuke
 Art Unit 1645
 Examiner Name
 Attorney Docket Number 082368-000510US

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	0001	US-6,331,396 B1	12-18-2001	SILVERMAN, Robert H., et al.	
	0002	US-6,472,521 B1	10-29-2002	UHLMANN, Eugen, et al.	
	0003	US-6,544,766 B1	04-08-2003	BERAUD, Christophe, et al.	
	0004	US-6,706,667 B1	03-16-2004	LORENZ, Matthias	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures	T ²
	0005	WO	01/31335	A2	05-03-2001	Cylokine, Inc.		<input type="checkbox"/>
	0006	WO	01/94629	A2	12-13-2001	Avalon Pharmaceuticals		<input type="checkbox"/>
	0007	WO	03/015613	A2	02-27-2003	The United States of America, as represented by the Secretary of Health and Human Services, et al.		<input type="checkbox"/>
	0008	WO	03/030832	A2	04-17-2003	Chiron Corporation		<input type="checkbox"/>
	0009	WO	03/099224	A2	12-04-2003	Isis Pharmaceuticals, Inc.		<input type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	0010	BLANGY, Anne, et al.; "Phosphorylation by p34 ^{cdc2} Regulates Spindle Association of Human Eg5, a Kinesin-Related Motor Essential for Bipolar Spindle Formation in Vivo," <u>Cell</u> , December 29, 2005; pp. 1159-1169; 83:7.	<input type="checkbox"/>
	0011	HAMADA, Kenji, et al.; "Increased Expression of the Genes for Mitotic Spindle Assembly and Chromosome Segregation in Both Lung and Pancreatic Carcinomas," <u>Cancer Genomics & Proteomics</u> , May 2004; pp. 231-240; 1:3.	<input type="checkbox"/>
	0012	HOULISTON, Evelyn, et al.; "The Kinesin-Related Protein Eg5 Associates with both Interphase and Spindle Microtubules during <u>Xenopus</u> Early Development," <u>Developmental Biology</u> , July 1994; pp. 147-159; 164:1.	<input type="checkbox"/>
	0013	KAISER, Astrid, et al.; "All-trans-Retinoic Acid-mediated Growth Inhibition Involves Inhibition of Human Kinesin-related Protein HsEg5," <u>The Journal of Biological Chemistry</u> , July 2, 1999; pp. 18925-18931; 274:27.	<input type="checkbox"/>

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A&B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/593,842
				Filing Date	March 18, 2005
				First Named Inventor	Nakamura, Yusuke
				Art Unit	1645
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	082368-000510US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	0014	SHARP, David J., et al.; "The Bipolar Kinesin, KLP61F, Cross-links Microtubules within Interpolar Microtubule Bundles of <i>Drosophila</i> Embryonic Mitotic Spindles;" <u>The Journal of Cell Biology</u> ; January 11, 1999; pp. 125-138; 144:1.	<input type="checkbox"/>
	0015	SUZUKI, Chie, et al.; "Identification of COX17 as a Therapeutic Target for Non-Small Cell Lung Cancer;" <u>Cancer Research</u> ; November 1, 2003; pp. 7038-7041; 63:21.	<input type="checkbox"/>
	0016	WEIL, D, et al.; "Targeting the Kinesin Eg5 to Monitor siRNA Transfection in Mammalian Cells;" <u>Biotechniques</u> ; December 2003; pp. 1244-1248; 33:6.	<input type="checkbox"/>
	0017	YARROW, J. C., et al.; "Phenotypic Screening of Small Molecule Libraries by High Throughput Cell Imaging;" <u>Combinatorial Chemistry & High Throughput Screening</u> ; June 2003; pp. 279-286; 6:4.	<input type="checkbox"/>

Examiner Signature	/Brian Whiteman/	Date Considered	01/29/2009
--------------------	------------------	-----------------	------------

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

² Applicant's unique citation designation number (optional). ³ Applicant is to place a check mark here if English language Translation is attached.